

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,

v.

EULALIA AMPARO-PADILLA

aka Juana SANTOS,

Defendant.

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Criminal Action No. 07-27-GMS

**JOINT MOTION FOR CONTINUANCE AND FOR EXCLUSION OF TIME UNDER
SPEEDY TRIAL ACT**

The United States of America, by its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Shannon Thee Hanson, Assistant United States Attorney, together with Eleni Kousoulis, counsel for defendant Eulalia Amparo-Padilla, respectfully request a continuance in this matter pursuant to 18 U.S.C. § 3161(h)(8)(A). In support of this motion, the parties aver as follows:

1. On February 20, 2007, defendant Eulalia Amparo-Padilla was charged by criminal complaint with illegal reentry by an aggravated felon, in violation of Title 8, U.S.C. Secs. 1326(a) and (b)(2). The Federal Public Defender's Office was appointed to represent the defendant at her initial appearance on February 20, 2007, at which time the government moved for detention. That same day, the defendant waived her preliminary and detention hearings. She remains in federal custody.

2. Ms. Amparo-Padilla was indicted by a federal grand jury for the District of Delaware on February 27, 2007 with one count of illegal reentry by an aggravated felon, in violation of Title 8, United States Code, Secs. 1326(a) & (b)(2). She was arraigned on March 8, 2007. Upon entering a plea of not guilty, the Court extended the deadline to file pretrial motions to April 5, 2007. To date, no pretrial motions have been filed.

3. The defendant is a native and citizen of the Dominican Republic. Spanish is her native language. She is 51 years old. She was previously deported back to the Dominican Republic on January 6, 1998, after serving her sentence for a January 13, 1994 conviction in the United States District Court for the District of Columbia for possession with intent to deliver more than five (5) grams of cocaine base, which offense occurred on June 5, 1993.¹ The government alleges that this is a predicate conviction that qualifies as an aggravated felony for purposes of the illegal reentry statute. Ms. Amparo-Padilla was also convicted of another felony drug offense (trafficking in 10-50 grams of cocaine) in the Superior Court of Delaware in and for Sussex County on June 6, 2005. In light of her prior convictions as alleged by the government, the defendant is facing significant jail time should she plead or be convicted of the charged crime.

4. The United States has sent a plea offer to the defendant, and has discussed a plea with defense counsel. Communication between the defendant and defense counsel is slowed due to the need for a Spanish interpreter each time they meet. Defense counsel has indicated that she requires more time for plea negotiations and to discuss the outstanding plea offer to allow the defendant to have a complete understanding of the likely consequences of her decisions. Defense counsel intends to continue to discuss plea possibilities fully with the defendant.

5. Thus, the parties request that the Court postpone the scheduling conference in this case until a date certain after June 11, 2007, and that the time from the date of filing of this Motion until the date of the scheduling conference to be set by the Court, be excluded under the Speedy Trial Act. Defense counsel has indicated in a telephone conversation on May 1, 2007, that she joins this request.


¹ Ms. Amparo-Padilla was sentenced to sixty (60) months imprisonment and four (4) years of supervised release for her prior federal drug trafficking crime.

6. The parties therefore request that, in the interest of justice, 18 U.S.C. §3161(h)(8)(A), the Court exclude under the Speedy Trial Act the time from May 3, 2007 until the scheduling conference on a date certain after June 11, 2007, and find that the ends of justice (i.e., the prospect that the defendant's pending charge will be resolved without the necessity for a trial) served by such a brief continuance would outweigh the best interest of the public and the defendant in a speedy trial.

WHEREFORE, the United States respectfully requests a continuance from May 3, 2007 until a date certain after June 11, 2007, to allow for possible resolution of the plea negotiations, and an exclusion of time under the Speedy Trial Act to accommodate the negotiations. A proposed Order is attached.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney



Shannon Thee Hanson
Assistant United States Attorney

Dated: May 3, 2007

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UNITED STATES OF AMERICA,

Plaintiff,

V.

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Defendant.

Criminal Action No. 07-27-GMS

ORDER

For the reasons set forth in the Joint Motion for Continuance and For Exclusion of Time Under the Speedy Trial Act, IT IS this _____ day of May, 2007, ORDERED that the time from May 3, 2007 until _____, at _____, the date and time hereby set for the scheduling conference in this matter, is excluded under the Speedy Trial Act while the parties attempt to resolve the case without the need for a trial, and that such an exclusion is in the interests of justice, consistent with 18 U.S.C. Sec. 3161(h)(8)(A), and that the interest of resolving the case without a trial outweighs the public's and the defendant's interest in a speedy trial, especially in view of the brief nature of the exclusion.

The Honorable Gregory M. Sleet
United States District Judge

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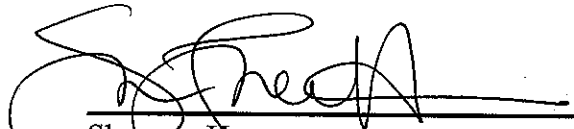
Defendant.

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CERTIFICATE OF SERVICE

I, Shannon T. Hanson, an employee with the Office of the United States Attorney for the District of Delaware, hereby certify that on the 3rd day of May, 2007, I caused to be filed with the Clerk of the Court, United States District Court for the District of Delaware via CM/ECF a Joint Motion for Continuance and for Exclusion of Time under Speedy Trial Act. I further certify that a copy of the foregoing was served via hand-delivery and via CM/ECF to counsel of record in the above-captioned case below as follows:

Eleni Kousoulis, Esq.
Assistant Federal Public Defender
First Federal Plaza
704 King Street, Suite 110
Wilmington, DE 19801


Shannon Hanson
Assistant U.S. Attorney